

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY JOSEPH PASCUZZI,

Petitioner,

v.

RON HAYNES,

Respondent.

CASE NO. C20-6135-JCC

ORDER

This matter comes before the Court on United States Magistrate Judge David Christel's Report and Recommendation ("R&R") recommending the Court dismiss Mr. Pascuzzi's § 2254 petition without prejudice because he has not obtained permission from the Court of Appeals to pursue a second or successive petition (Dkt. No. 16). Mr. Pascuzzi filed a letter in which he does not object to Judge Christel's conclusion but appears to ask the Court to overlook the deficiency and proceed to the merits. (*See* Dkt. No. 17.) However, as Judge Christel correctly concluded, the Court may not consider Mr. Pascuzzi's second or successive petition absent permission from the Court of Appeals. *See* 28 U.S.C. § 2244(b)(3); *see also* *Magwood v. Patterson*, 561 U.S. 320, 330–31 (2010).

Thus, having reviewed the R&R and the relevant record, the Court ADOPTS the R&R, DISMISSES the petition without prejudice, and DENIES a certificate of appealability. The Court DIRECTS the Clerk to send copies of this order to Mr. Pascuzzi and to Judge Christel.

1 DATED this 10th day of May 2021.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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